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ON PETITION

In re Application of :
Paul Lapstun :
Application No. 09/575,118 :
Filed: May 23, 2000 :
Attorney Docket No. NPA012US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 2003, to revive the above-identified application.

The petition is granted.

The above identified application became abandoned for failure to reply in a timely manner to the Office action mailed November 25, 2002, which set a shortened statutory period for reply of three months. A (1) one-month extension of time under the provisions of 37 CFR 1.136 was obtained on March 25, 2003. Accordingly, the application became abandoned on March 26, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the extension of time submitted with the petition on October 24, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being forwarded to Technology Center AU 2675 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 308-6911.

Latrice Bond
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy